

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA RANDOLPH,

Plaintiff,

-v-

No. 12-CV-8539-LTS-JLC

CAROLYN W. COLVIN,
Acting Commissioner of Social Security,

Defendant.
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ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Linda Randolph (“Plaintiff”) brings this action pursuant to 42 U.S.C. § 405(g) seeking judicial review of a final determination by Defendant Carolyn Colvin, Acting Commissioner of Social Security (“Commissioner”), denying Plaintiff’s application for Social Security Disability (“SSD”) and Supplemental Security Income (“SSI”) disability benefits. The parties have cross-moved for judgment on the pleadings pursuant to Rule 12(c) of the Federal Rules of Civil Procedure. Before the Court is the Report and Recommendation (“Report”) of Magistrate Judge James L. Cott, recommending that Plaintiff’s motion be granted to the extent that the case be remanded to the Commissioner for further proceedings and that the Commissioner’s cross-motion be denied (docket entry no. 24). Neither party has filed objections to the Report.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C.S. § 636(b)(1)(C) (LexisNexis 2012). “To accept the report and recommendation of a

magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted)).

Having reviewed Judge Cott’s thorough and well-reasoned Report, to which no objection was made, the Court finds no clear error. Therefore, the Court adopts the Report in its entirety. Accordingly, the Court remands the case to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and denies the Commissioner’s cross-motion. This Order resolves docket entry numbers 12 and 21.

The Clerk of Court is requested to enter judgment in Plaintiff’s favor and to close this case.

SO ORDERED.

Dated: New York, New York
July 23, 2014

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge